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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,333	09/10/2003	Bryan Scott	20002.00071	5973

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EXAMINER	
LAMMIE, THERON F	
ART UNIT	PAPER NUMBER
4156	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/660,333	SCOTT ET AL.	
	Examiner	Art Unit	
	THERON F. LAMMIE	4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Objections

***Abstract* Objections**

The abstract is objected to because it falls short of the minimum number of words permitted. The applicant is reminded of the proper language and format for an abstract of the disclosure below.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 8, 10-11, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (6213467).

Re: Claims 1 and 10, Andrews recites the disclosed in full (claim 1); she further teaches a game center piece (1) for organizing dominoes (see fig.2) comprising a hub (elevated platform (5)) inherently having a top, a bottom and a side as a three dimensional object; further with a center port enabled to encompass a domino (7) as shown in fig.2; with a plurality of outer ports (cutouts (2)), where each outer port is enabled to dock a domino

portion;

she further teaches a signaling means (switch (4)) controlling a "play signaling means" (ability to play represented by led(3) off) and "no play signaling means" (inability to play, represented by, led (3) on); all located on the top of the hub generally adjacent to an outer port as evidenced (in fig. 2).

Re: Claims 5 and 8, Andrews discloses toggling switch (4) to turn (3) on and off (col.2, ln.28-29).

Re: Claim 11, see rejection of claim 10.

Re: Claim 18, Andrews teaches a battery as her powering means (col.2, ln.24-25)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2,3,6-7,9,12,13-16,17,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (6213467), in view of Voigt (7080837)

Re: Claim 2 and 3, Andrews recites turning her lighting device on for a no-play position (col.3, ln.10-18); though she lacks reciting a play light, a green light and a red light, in view of Voigt this is satisfied.

Voigt teaches a light (58) illuminated by an actuated switch (52), with power from

circuit board (50), when a player is able to play one of his/her dominoes. Voigt further teaches that it is known to play a Domino game with the use of trains having different colors to indicate the status of a player's domino track. Therefore, it would have been obvious to a person having ordinary level skill in the art at the time of the applicant's invention to use the illuminated play led of Voigt's Domino game with of the Domino game of Andrews to indicate a play condition and to utilize a color scheme to indicate such play condition where using a green light, as the play led, a generic "go" means and a red light on another led, for a no play means, generic "stop", as used for traffic lights as example to indicate a play and no play condition, especially since applicants do not disclose and criticality or advantage to a particular color scheme .

Re: Claim 6, 7 and 9, Andrews teaches the disclosed substantially as claimed with her switch (4).
it would have been an obvious matter of design choice to use a slide, rotary or rocker switch, since applicant has not disclosed the slide, rotary or rocker switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with switch (4) of Andrews, to perform the desired tasks.

Re: Claim 12, Andrews teaches a lighted no-play position and a non-lighted play position (col.3, ln.10-18);
it would have been an obvious matter of design choice to reverse the lighted and

non-lighted roles for the play and no play positions as taught by Andrews since applicant has not disclosed that having Andrews' method reversed for facilitating play and no play positions; as related to the light being on or off, solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Andrews method, to perform the desired tasks.

Re: Claim13, Andrews teaches turning her indicator light on or off with her switch as previously mentioned(rejection of claim 12)

Re: Claims14-16, Andrews teaches the disclosed substantially as claimed with her depressible switch (4),(abstract); it would have been an obvious matter of design choice to use a two color light emitting diode switch wherein the first position lighting one color such as red, to indicate no-play status and the second position lighting another color, such as green to indicate play status since applicant has not disclosed that the two color light emitting diode switch as described solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the switch of Andrews, to perform the desired tasks.

Re: Claim 17, Andrews teaches the disclosed substantially as claimed; but, she lacks specifically teaching turning a first single colored light emitting diode on and a second single color light emitting diode off.

It would have been obvious to a person having ordinary level skill in the art at the time of the applicant's invention to have one of the lights on at a time, as a player would not be able to play and not play simultaneously.

Re: Claim 19, Andrews teaches the disclosed substantially as claimed (rejection of claim 10) but, she lacks teaching a sound means and speaker; however, in view of Voigt the claim is met in full.

Voigt teaches a Mexican train domino game with sound means (abstract) via a speaker (54)

It would have been obvious to a person having ordinary level skill in the art at the time of the applicant's invention to combine the speaker and sound means taught for the Mexican train domino game of Voigt with the domino game of Andrews to lessen boredom and monotony of a routine domino game by stimulating player excitement with the sound effects of a train for a Mexican train domino game.

Re: Claim 20, Andrews teaches the disclosed substantially as claimed but she lacks an electrical switch enabled to turn a pre-recorded sound on; however, in view of Voigt the claim is met in full.

Voigt teaches turning a pre-recorded sound on. (col.4, ln.3-10)

It would have been obvious to a person having ordinary level skill in the art at the time of the applicant's invention to combine the pre-recorded sound taught in the domino game of Voigt with the domino game of Andrews to lessen the monotony of a routine game by stimulating player excitement with the detailed sound effects providing a sense of realism.

Re: Claim 21, Andrews teaches the disclosed substantially as claimed but, she lacks teaching a train engine sound; however, in view of Voigt the claim is met in

full.

Voigt teaches simulated train sounds (abstract),

it would have been obvious to have train engine sounds as a simulated train sound as disclosed by Voigt (also see rejection of claim 20) for further adding a sense of fun and excitement in a Mexican train domino game.

Re: Claim 22, Andrews teaches the disclosed substantially as claimed but she lacks teaching a train whistle sound; however, in view of Voigt the claim is met in full.

Voigt teaches a train whistle sound (col.2, ln.15-17).

It would have been obvious to a person having ordinary level skill in the art at the time of the applicant's invention to combine the train whistle sound taught in the domino game of Voigt with the domino game of Andrews to further stimulate player excitement by providing fun for a Mexican train domino game

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Kruger(4324405) and further in view of Kitts (4633167).

Re: Claim 4, Andrews teaches a play member (switch) serving as a signaling indicator (4); the three dimensional switch inherently has a bottom portion for the play and no play positions, as it is fastened to the hub surface (fig.4); however, she lacks specifically teaching a coupling means having an arm extending horizontally from each end of the coupling means, and the coupling means coupling the play bottom portion to the no play bottom portion, and the top of the hub adapted to attach to each arm via a fastening means.

Kruger teaches a coupling means (54) having an arm (52) extending horizontally from each end of the coupling means , and the coupling means coupling the play bottom portion to the no play bottom portion;
Kitts teaches a fastening means for a play member(16) on a hub (12).
It would have been obvious to a person having ordinary level skill in the art at the time of applicant's invention to attach the switch taught by Kruger as the switch attached to the top of the hub of Andrews; adapted to attach to each arm via a fastening means of Kitts to control lights to indicate possibility of play or inability to play with a switch securely fastened to the play area to avoid loss.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THERON F. LAMMIE whose telephone number is (571)270-1184. The examiner can normally be reached on 5/4/9.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on (571)272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theron F Lammie/
Examiner, Art Unit 4156

/DMITRY SUHOL/
Primary Examiner, Art Unit 3725